

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DULCE M. SHERMAN,

Plaintiff,

v.

WEST CORPORATION,

Defendant.

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CASE NO. 8:16-cv-00548

NOTICE OF REMOVAL

Defendant West Corporation, pursuant to 28 U.S.C. §§ 1441 and 1446, hereby removes this civil action from the District Court of Douglas County, Nebraska, to the United States District Court for the District of Nebraska. The grounds in support of this Notice of Removal are as follows:

1. On November 17, 2016, Defendant was served with formal Summons and the Complaint in the state court action styled *Dulce M. Sherman v. West Corporation*, Case No. CI 16 0008879, in the District Court of Douglas County, Nebraska (the “State Court Action”). Copies of Plaintiff’s Summons and Complaint, which constitute all process, pleadings, or orders served on Defendant, are attached hereto as Exhibit A.

2. This Notice of Removal is timely because it is being filed within thirty days after Defendant’s receipt of service of the Summons and Complaint. Defendant was served by certified mail on November 17, 2016.

3. The State Court Action is properly removable to the United States District Court because this Court has original jurisdiction over the action. *See* 28 U.S.C. § 1441(a). The

Plaintiff's Complaint alleges both federal and state causes of action for discrimination and retaliation, and a federal law violation of the Family Medical Leave Act. Pursuant to 28 U.S.C. § 1331, this Court has federal question jurisdiction over the Complaint's causes of action under Title VII of the Civil Rights Act, 42 U.S.C. § 2000e *et seq.*, the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.* ("ADEA"), the Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* ("ADA"), and the Family Medical Leave Act, 29 U.S.C. § 2601 *et seq.* ("FMLA"). Pursuant to 28 U.S.C. § 1367, this Court has supplemental jurisdiction over the Complaint's corresponding Nebraska state-law discrimination and retaliation claims under the Nebraska Fair Employment Practices Act, the Nebraska Age Discrimination in Employment Act, and Neb. Rev. Stat. §§ 20-148 and 48-1114(3), all of which arise out of the same nucleus of operative facts as the claims brought under the foregoing federal statutes. *See McGinnis v. Christ the King Church of Omaha*, No. 8:09CV29, 2009 U.S. Dist. LEXIS 127946, at *3-5 (D. Neb. Feb. 26, 2009).

4. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.

5. The state court Summons and Complaint, attached hereto as Exhibit A, constitute the only process, pleadings, or orders which have been served upon Defendant West Corporation.

6. Upon the filing of this Notice of Removal, Defendant will give written notice to Plaintiff and will file a copy of this Notice of Removal along with the requisite notice thereof with the Clerk of the District Court of Douglas County, Nebraska, with service upon the Plaintiff.

7. By filing this Notice of Removal, Defendant does not waive any defenses which may be available to it.

Dated this 16th day of December, 2016.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record herein by way of:

- ☒ U.S. Mail, First Class
- ☐ Certified Mail
- ☐ Facsimile
- ☐ Federal Express
- ☐ Hand Delivery
- ☒ E-Mail
- ☐ ECF (electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants)

on this 16th day of December, 2016, to wit:

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